

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JAMES WINDING, #K8115

PLAINTIFF

VS.

CIVIL ACTION NO: 5:12-cv-88-DCB-JMR

**LILLIE BLACKMON SANDERS;
CRAIG GODBOLD; NATCHEZ POLICE
DEPARTMENT; RONNIE HARPER; KEVIN COLBERT;
ADAMS COUNTY JAIL; and CHRISTOPHER EPPS**

DEFENDANTS

REPORT AND RECOMMENDATION

This matter is before the Court on the Motion of the Plaintiff, James Winding [Winding] to Reopen [79] this case and to consolidate his case with his other case styled *Winding v. Colbert, et al.*, 3:13cv101. According to Winding, he wants to reopen this case to present new arguments regarding his cause of action in this case. [79, pp. 3-14.]

The Court finds no reason to reopen this case to consider Winding's arguments which could be advanced on appeal. The Court recommends that the motion to reopen case be denied. In addition, pursuant to a Memorandum Opinion and Order, the case *Winding v. Colbert, et al.*, 3:13cv101 was closed on May 10, 2013. The Court finds no reason to consolidate this case with a closed case. The Court further recommends that the motion to consolidate be denied.

In accordance with the Rules of this Court, any party, within fourteen days after being served a copy of this recommendation, or by no later than June 7, 2013, may serve and file written objections to the recommendations, with a copy to the District Judge, the U.S. Magistrate Judge, and the opposing party. The District Judge at that time may accept, reject or modify in whole or in part, the recommendation of the Magistrate Judge, or may receive further evidence or recommit the matter to this Court with instructions. Failure to timely file written objections to proposed findings, conclusions, and recommendations contained in this report will bar an

aggrieved party, except on the grounds of plain error, from attacking on appeal unobjected to proposed factual findings and legal conclusions accepted by the District Court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–9 (5th Cir. 1996) (*en banc*), *superceded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). A copy of this report and recommendation was mailed to Winding at his last known address.

This the 24th day of May, 2013.

s/ John M. Roper, Sr.
CHIEF UNITED STATES MAGISTRATE JUDGE